RELIGIOUS POLICIES OF THE CALIPHS FROM AL-MUTAWAKKIL TO AL-MUQTADIR, A H 232-295/A D 847-908

CHRISTOPHER MELCHERT

(Springfield, Missouri)

Abstract

The judicial appointments of the 'Abbāsid caliphs reveal their religious policies better than the chronicles alone Al-Mutawakkil has been characterized as re-establishing traditionalism, but his judicial appointments suggest only limited support for that tendency His successors al-Muntaṣir, al-Musta'īn, and al-Mu'tazz did not pursue substantially different policies Al-Muhtadī did: he sacked all but Hanafī *qāḍīs* and promoted the rationalist Hanafī al-Khaṣṣāf It was almost a restoration of the policy of his father, al-Wāthiq He was overthrown and his policy immediately reversed by the regent, al-Muwaffaq, who sponsored a middle system of jurisprudence between the extremes of *ḥadīth* and *ra'y* His successors, al-Mu'taḍid and al-Muktafī, did not maintain this policy; however, it was the tendency out of which grew the classical schools of law in the fourth/tenth century

THE INQUISITION OF AL-MA'MŪN (d A H 218/A D 833) was a serious attempt to establish the caliph as arbiter of Islamic orthodoxy [1] It took the form of imposing the doctrine of the create Qur'ān, a doctrine particularly associated with the nascent Hanafī school of law [2] The next two caliphs after al-Ma'mūn, his brother al-Mu'taṣim (*r* 218-227/833-842) and his nephew al-Wāthiq (*r* 227-232/842-847), maintained the Inquisition, however, it was abolished under the caliph al-Mutawakkil by stages from 232 to 237/847 to 852 This was not the end of caliphal support for one or another juridical-theological party Evidence is meagre, but we have a relatively full record in one area judicial appointments The ninth-century caliphs appointed men to the judgeships of Iraq (chiefly Basra, Kufa, and the three districts of Baghdad, also the chief judgeship, *qaḍā' al-quḍāt,* usually but not always located with the caliph at Samarra), Syria, Egypt, and Fars We should be able to tell which tendency a particular caliph promoted

[1] See Josef Van Ess, "Ḍirār b 'Amr und die 'Cahmīya,'" *Islam,* xliv (1968), 23, 30-37, 49-51; *Encyclopaedia of Islam,* new edn (Leiden: E J Brill, 1960-), *s v* "Miḥna" (M Hinds); John A Nawas, "A Reexamination of Three Current Explanations for al-Ma'mun's Introduction of the *miḥna,*" *International Journal of Middle East Studies,* xxvi (1994), 615-29

[2] See esp the article of M Hinds, cited in the previous note

by examining the tendencies of the men he appointed to be judges (*qāḍīs*)

The religious policies of the caliphs between al-Mutawakkil and al-Muqtadir (*r* 295-320/908-932) have previously been analyzed by Dominique Sourdel [3] Relying mainly on the chronicles, Sourdel stresses the changing fortunes of Shīʿism, Muʿtazilism, and the rigorist orthodoxy that opposed them both His findings can be briefly summarized al-Mutawakkil's immediate successor, his son al-Muntaṣir, shifted caliphal policy to favor the Shīʿa, or, at least, the ʿAlids, the policy of al-Mustaʿīn is difficult to characterize, but does not seem to have reversed al-Muntaṣir's, al-Muʿtazz was devoted to the policies of his father, al-Mutawakkil, particularly hostility to the ʿAlids, al-Muhtadī's policy strayed little from that of al-Muʿtazz, finally, the reigns of al-Muʿtamid, al-Muʿtaḍid, and al-Mustakfī were characterized by no single tendency but by continual subtle shifts, to which Sourdel devotes over half his article

Since Sourdel wrote, our understanding of Islamic theological parties in third/ninth-century Baghdad has changed, and so we may be able to characterize the religious policies of the caliphs after al-Mutawakkil more accurately merely by shifting our terms from Sourdel's For one, it has become plain that the classical Muʿtazilī school came together only late in the century for the first three-quarters of the third/ninth century, we should speak of the Muʿtazila as no more than a grouping within a larger rationalist party [4] An equally important grouping, which partly overlapped with the Muʿtazila, was the rationalist wing of the nascent Hanafī school of law

The *rigorist* party to which Sourdel refers is what we more conventionally call the *traditionalists* These insisted on deriving their law and theology solely from textual sources, Qur'ān and *hadīth*, whereas rationalists relied more or less heavily on reason, *ra'y* or, sometimes, *ʿaql* A traditionalist such as Aḥmad Ibn Hanbal (d 241/855) would answer a question by recalling the relevant *hadīth*, that is, the reported words and deeds of the Prophet or of the Companions [5] A rationalist such as Muḥammad al-Shaybānī (d 189/805) might recall relevant

[3] Dominique Sourdel, "La politique religieuse des successeurs d'al-Mutawakkil," *Studia Islamica*, 13 (1960), 5-22

[4] See *Encyclopaedia of Islam*, new edn , *s v* "Muʿtazila" (D Gimaret) and the works of Josef van Ess there cited

[5] See Susan A Spectorsky, "Aḥmad Ibn Ḥanbal's *Fiqh*," *Journal of the American Oriental Society*, cii (1982), 461-65 The familiar distinction between *ḥadīth*, reports from the Prophet, and *āthār* or *akhbār*, reports from other figures, does not appear in Aḥmad's practice

hadīth, but the last word would go to common sense or the opinion of a previous jurisprudent, most often Abū Hanīfa [6]

We should watch also for the developing middle party I call *semi-rationalist* Muslims of this tendency argued for the basic tenets of the traditionalists but used the tools of the rationalists Their particular theological propositions often constituted a compromise between the more extreme positions of earlier traditionalists and rationalists, for example, they usually maintained that the Qur'ān itself was increate, but conceded that its pronunciation was create They based their jurisprudence formally on the analysis of textual sources but allowed a good deal of play to rational methods such as *qiyās* (analogy) and to the opinions of earlier jurisprudents [7] We should discuss caliphal religious policy in terms of support for these three parties, rationalist, semi-rationalist, and traditionalist, rather than, with misleading precision, the Muʿtazila and their opponents

The Shīʿa were, of course, a fourth party for the caliphs to consider, but their strength in Baghdad seems to have been small The caliphs' policies toward the ʿAlids reflected mainly their interests in the provinces, not the capital, for ʿAlid pretenders to the caliphate did make trouble from time to time in the provinces The Imāmīya (Twelver Shīʿa) did not become a coherent party until the time of the third *safīr* (spokesman for the Hidden Imam), Ibn Rawḥ al-Nawbakhtī (d 326/938) [8]

The biographical literature suggests that al-Mutawakkil himself was an opponent of Shīʿism but hardly a sponsor of traditionalism At most, rather, it was his policy to promote a moderate rationalism—not aggressively assertive of a create Qur'ān, but neither devoted to textual sources in law and theology His three successors, al-Muntaṣir, al-Mustaʿīn, and al-Muʿtazz, largely continued that policy A clear shift

---

[6] See Josef Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 306-310 Norman Calder has recently proposed that we reassign the supposed work of al-Shaybānī and Abu- Hanīfa precisely to jurisprudents of the middle and late third/ninth century: see *Studies in Muslim Jurisprudence* (Oxford: Clarendon Press, 1993)

[7] For the opposition of traditionalists to semi-rationalists, see Christopher Melchert, "The Adversaries of Aḥmad Ibn Hanbal," forthcoming in *Arabica* The most important previous study is Josef van Ess, "Ibn Kullāb und die Miḥna," *Oriens*, xviii-xix (1965-1966), 92-142 = "Ibn Kullāb et la *miḥna*," trans with additional notes by Claude Gilliot, *Arabica*, xxxvii (1990), 173-233 See also W Montgomery Watt, *The Formative Period of Islamic Thought* (Edinburgh: Univ Press, 1973), 286-89

[8] See Verena Klemm, "Die vier *sufarā'* des Zwölften Imam Zur formativen Periode der Zwölferšīʿa," *Welt des Orients*, xv (1984), 126-43 Etan Kohlberg suggests a slightly earlier date: "From Imāmiyya to Ithnā-ʿAshariyya," *Bulletin of the School of Oriental and African Studies*, xxxix (1976), 521-34, esp 523

THE ʿABBĀSID CALIPHS FROM AL-RASHĪD TO AL-MUQTADIR

5) Abū Jaʿfar Hārūn *al-Rashīd* (*r* 170-193/786-809)

6) Abū Mūsá Muḥammad *al-Amīn*
(*r* 193-198/809-813)

7) Abū Jaʿfar ʿAbd Allāh *al-Maʾmūn*
(*r* 198-218/813-833)

8) Abū Isḥāq Muḥammad *al-Muʿtaṣim* bi-Allāh
(*r* 218-227/833-842)

9) Abū Jaʿfar Hārūn *al-Wāthiq* bi-Allāh
(*r* 227-232/842-847)

Muḥammad

10) Abū al-Faḍl Jaʿfar *al-Mutawakkil* ʿalá Allāh
(*r* 232-247/847-861)

11) Abū Jaʿfar Muḥammad *al-Muntaṣir*
bi-Allāh (*r* 247-248/861-862)

12) Abū al-ʿAbbās Aḥmad *al-Mustaʿīn* bi-Allāh
(*r* 248-252/862-866)

13) Abū ʿAbd Allāh Muḥammad *al-Muʿtazz* bi-Allāh
(*r* 252-255/866-869)

14) Abū Isḥāq Muḥammad
al-Muhtadī bi-Allāh
(*r* 255-256/869-870)

Abū Aḥmad *al-Muwaffaq*

15) Abū al-ʿAbbās Aḥmad *al-Muʿtamid*
ʿalá Allāh (*r* 256-279/870-892)

16) Abū al-ʿAbbās Aḥmad *al-Muʿtaḍid* bi-Allāh
(*r* 279-289/892-901)

17) Abū Muḥammad ʿAlī *al-Muktafī* bi-Allāh
(*r* 289-295/901-908)

18) Abū al-Faḍl Jaʿfar *al-Muqtadir* bi-Allāh (*r* 295-320/908-932)

came only, and surprisingly, with al-Muhtadī (*r* 255-256/869-870), whose religious policy seems to have been similar to that of his father, al-Wāthiq Al-Muhtadī was deposed and killed after less than a year, and caliphal patronage swung toward the developing semi-rationalism under two more sons of al-Mutawakkil, al-Muʿtaḍid and al-Muwaffaq Modern historians of the period have missed the rationalist tendency of al-Muhtadī's policy because they have relied on the chronicles to the exclusion of the biographical literature [9] I hope that this modest survey will encourage other Islamic historians to make fuller use of the biographical literature

*Al-Mutawakkil (*r *232-247/847-861)*

Al-Mutawakkil is famous for abolishing the Inquisition, but it has taken some time for scholars to date that abolition with precision Martin Hinds states that it took place gradually from 234/848 to 237/852 [10] A source overlooked by him strongly suggests that it began with al-Mutawakkil's accession in 232/847 Additionally, the biographical sources show the unevenness of al-Mutawakkil's traditionalism, even after the final abolition of the Inquisition in 237/852

Two historians of Egypt, al-Kindī and al-Musabbiḥī, state that the Inquisition came to an end immediately on al-Mutawakkil's becoming caliph in 232/847 [11] Al-Dhahabī states that al-Mutawakkil put an end to the Inquisition fourteen years after al-Muʿtaṣim renewed it, i e , in 232 [12] In Isfahan, the Hanafi jurisprudent Bakkār b al-Hasan (d 233/847-848 or 238/852-853) was examined, refused to affirm the Qur'ān create, and was about to be expelled from the city when news came of al-Wāthiq's death The guards were presently withdrawn from his house and women and children bandied about a vulgar rhyme celebrating Bakkār's vindication, the humiliation of his persecutor, *qāḍī* Hayyān b Bishr (d 237 or 238/*c* 852) [13] Evidently, the Inquisition had

---

[9] Cf *Encyclopaedia of Islam,* new edn , *s v* "al-Muhtadī" (K V Zetterstéen, rev C E Bosworth), with references to other studies Not a word is said of al-Muhtadī's religious policy

[10] See note 1

[11] Al-Musabbiḥī (d 420/1029), *Akhbār Miṣr, apud* al-Dhahabī, *Tārīkh al-islām,* ed ʿUmar ʿAbd al-Salām Tadmurī, 40+ vols to date (Beirut: Dār al-Kitāb al-ʿArabī, 1987-), vol 15 (A H 211-220), 27; al-Kindī, *The Governors and Judges of Egypt,* ed Rhuvon Guest, E J W Gibb Memorial Ser 19 (Leiden: E J Brill, 1912), 447, l 13

[12] Al-Dhahabī, *Siyar aʿlām al-nubalā',* 25 vols (Beirut: Mu'assasat al-Risāla, 1981-1988), vol 10 (ed Muḥammad Nuʿaym al-ʿAraqasūsī), 291

[13] Abū al-Shaykh, *Ṭabaqāt al-muḥaddithīn bi-Iṣbahān wa-al-wāridīn ʿalayhī,* ed ʿAbd al-Ghafūr ʿAbd al-Haqq Husayn al-Balūshī, 4 vols (Beirut: Mu'assasat

to be renewed at the accession of every new caliph, and it was known that al-Mutawakkil would not renew it Additionally, certain men of religion were released from house arrest on the accession of al-Mutawakkil [14]

On the other hand, although al-Mutawakkil did not renew the Inquisition at the beginning of his caliphate, Aḥmad Ibn Hanbal continued to relate ḥadīth reports to almost no one Some self-imposed ban may have been superposed on the caliph's, but it seems possible, too, that Aḥmad feared the caliph's agents [15] The chief architect of the Inquisition (at least under al-Muʿtaṣim and al-Wāthiq), chief *qāḍī* Ibn Abī Duwād, continued to influence the appointment of *qāḍīs* Damascus had no *qāḍī* at all from near the beginning of the caliphate of al-Muʿtaṣim (218/833) until 233 At the beginning of that year (late summer 847), Ibn Abī Duwād appointed to the post Abū ʿAbd Allāh Ismāʿīl b ʿAbd Allāh al-Sukkarī (d after 240/854-855) He was not removed until 237/851 [16]

A stronger case may be made for 234/848-849 as the year when al-Mutawakkil ended the Inquisition That is the year when al-Subkī

---

al-Risāla, 1987-1990), ii, 131, 132; Abū Nuʿaym al-Iṣbahānī, *Geschichte Iṣbahans*, ed Sven Dedering, 2 vols (Leiden: E J Brill, 1931, 1934), i, 238 It is possible that Hayyān was not actually the *qāḍī* for Isfahan but rather overseer of its *maẓālim* court, for Abū Nuʿaym states that Isfahan was without a *qāḍī* for ten years under Ibn Abī Duwād, one Abū ʿAlī Aḥmad ibn al-Wazīr (d 278/891-892) becoming the first *qāḍī* under al-Mutawakkil: *Geschichte Iṣbahans*, i, 82

[14] Aḥmad Ibn Hanbal and Bishr b al-Walīd (d 238/853) are said to have been released from house arrest on the accession of al-Mutawakkil Precise dates for Aḥmad's experience of the Inquisition are remarkably difficult to find, but see al-Kaffawī, *Katāʾib aʿlām al-akhyār min fuqahāʾ madhhab al-Nuʿmān al-mukhtār*, Esat Efendi (Istanbul) 548, 39b, 40a, which states that Aḥmad ceased to relate *hadīth* under al-Muʿtaṣim, tried again under al-Wāthiq but was warned against it, and therefore went into hiding until the advent of al-Mutawakkil The story of Baqī b Makhlad's surreptitious collection of *ḥadīth* from Aḥmad—he had to disguise himself as a beggar in order to evade the guards around Aḥmad's house—may be doubtful; however, it conceivably reflects actual conditions: see al-Dhahabī, *Siyar*, vol 13 (ed ʿAlī Abū Zayd), 292-94 Cf Ibn al-Jawzī, *Manāqib al-imām Aḥmad Ibn Hanbal*, ed ʿAbd Allāh b ʿAbd al-Muḥsin al-Turkī and ʿAlī Muḥammad ʿUmar (Cairo: Maktabat al-Khānjī, 1979), 428 For Bishr b al-Walīd, see Ibn Abī al-Wafāʾ, *al-Jawāhir al-muḍīya*, ed ʿAbd al-Fattāḥ Muḥammad al-Hulw, 2 vols published (Cairo: ʿĪsā al-Ḥalabī, 1978), vol 1, 454

[15] Ibn Abī Yaʿlā, *Ṭabaqāt al-ḥanābila*, ed Muḥammad Hāmid al-Fiqī, 2 vols (Cairo: Maṭbaʿat al-Sunna al-Muḥammadīya, 1952), vol 1, 408

[16] Muḥammad ibn al-Fayḍ, *apud* Ibn al-Manẓūr, *Mukhtaṣar "Tārīkh Dimashq,"* ed Rawḥīya al-Naḥḥās, &al, 29 vols (Damascus: Dār al-Fikr, 1984-1989), vol 4, 354 His *nisba* appears as "al-Yashkurī" in Ibn Ṭūlūn, *Quḍāt Dimashq*, ed Ṣalāḥ al-Dīn al-Munajjid (Damascus: al-Majmaʿ al-ʿIlmī al-ʿArabī, 1956), 18, 19

states that the Inquisition ended [17] He probably refers to al-Mutawakkil's publicly forbidding talk of the Qur'ān (i e , debate over it) and summoning numbers of jurisprudents and traditionists to Samarra The most prominent of these traditionists were Muṣʿab al-Zubayrī (d 236/851), Isḥāq Ibn Abī Isrā'īl (d 246/860), Ibrāhīm b ʿAbd Allāh al-Harawī (d 244?/858), Ibrāhīm al-Taymī (d 250/865), and the brothers Abū Bakr (d 235/849) and ʿUthmān Ibn Abī Shayba (d 239/853) He ordered them to relate *ḥadīth* against the Muʿtazila and the Jahmīya (exponents of a create Qur'ān) and such *ḥadīth* as concerned seeing God in the hereafter He paid them, as well [18]

Surely, though, the caliph's point was not to affirm traditionalist orthodoxy, that the Qur'ān was increate, but rather to quieten the whole controversy Muṣʿab al-Zubayrī was known to advocate *waqf*, refusal to say whether the Qur'ān was create,[19] while Ibn Abī Isrā'īl and Ibrāhīm b ʿAbd Allāh had even affirmed it create, although under duress [20] Only ʿUthmān Ibn Abī Shayba was known for condemning those who

---

17 Al-Subkī, *Ṭabaqāt al-shāfiʿīya al-kubrā*, ed. Maḥmūd Muḥammad al-Ṭanāḥī and ʿAbd al-Fattāḥ al-Hulw, 10 vols (Cairo: ʿĪsā al-Bābī al-Halabī, 1964-1976), ii, 54

18 Al-Kindī, *Governors*, 197; al-Ṣūlī, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 2, 344; Ibrāhīm b Muḥammad b ʿArafa (i e , Nifṭawayh, *Tārīkh*, on which see Akram Ḍiyā' al-ʿUmarī, *Mawārid al-Khaṭīb al-Baghdādī fī Tārīkh Baghdād* [n p : Maṭbaʿat Muḥammad Hāshim al-Kutubī, 1975], 141), *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 10, 67 Hinds mentions the decree, but his conversion of the Hijri date is erroneous On the supposed party of the Jahmīya, see esp Watt, *Formative Period*, 143-47 This year, 234, is also accepted as when al-Mutawakkil ended the Inquisition by M Shamsuddin Miah, *The Reign of al-Mutawakkil*, Asiatic Society of Pakistan Publicn 24 (Dacca: Asiatic Society of Pakistan, 1969), 81 I quarrel with Miah's assumption (not his invention, of course) that the issue in the Inquisition was Muʿtazilism, not a brand of Ḥanafism, and I make more extensive use than Miah of the biographical dictionaries; however, I find his study, on the whole, both thorough and accurate

19 Muṣʿab expressly condemned anyone who said the Qur'ān was increate: al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, 14 vols (Cairo: Maktabat al-Khānjī, 1931), vol 13, 114; al-Qāḍī ʿIyāḍ, *Tartīb al-madārik wa-taqrīb al-masālik*, ed Aḥmad Bakīr Maḥmūd, 4 vols in 2 + index (Beirut: Maktabat al-Ḥayā, 1967, [1968?]), vol 1, 380; Ibn Hajar, *Tahdhīb "al-Tahdhīb,"* 12 vols (Hyderabad: Majlis Dā'irat al-Maʿārif al-Niẓāmīya, 1325-1327), vol 10, 163, 164

20 Ibn Abī Isrā'īl was among the large number of jurisprudents and traditionists examined in Baghdad, 218/833, all of whom affirmed the Qur'ān create save Aḥmad Ibn Ḥanbal and Muḥammad b Nūḥ (d 218/833): see al-Ṭabarī, *Annales*, ed M J de Goeje, 3 vols in 15 (Leiden: E J Brill, 1879-1901), vol 3, 1112-33 = *Tārīkh al-Ṭabarī*, ed Muḥammad Abū al-Faḍl Ibrāhīm, Dhakhā'ir al-ʿArab 30, 10 vols (Cairo: Dār al-Maʿārif, 1960-1969), vol 8, 631-45 Abū Hātim al-Rāzī reports that Ibn Abī Isrā'īl entirely lost his following due to his later advocacy of *waqf*: Ibn Abī Ḥātim, *K al-Jarḥ wa-al-taʿdīl*, 9 vols (Hyderabad: Jamʿīyat Dā'irat al-Maʿārif al-ʿUthmānīya, 1360), ii, 210 On Ibrāhīm b ʿAbd Allāh, see Ibn Hajar, *Tahdhīb*, i, 133

did advocate *waqf* [21] Aḥmad Ibn Hanbal considered *waqf* as bad as outright Jahmism [22]

Moreover, it seems likely that propaganda for the ʿAbbāsid dynasty was a major point of these traditionists' teaching Abū Bakr Ibn Abī Shayba began his first session with the *hadīth* report from the Prophet, "Remember me (*ihfaẓūnī*) in al-ʿAbbās, for he is the last of my fathers, the uncle of a man being like his father "[23] ʿUthmān was willing to relate that the Prophet had glossed the verse of the Qur'ān, "You are a warner, to every people a guide" (Q 13 7), in this wise "I am the warner, and the guide is a man of Banū Hāshim "[24] It seems no wonder that Aḥmad Ibn Hanbal and others accused both brothers Ibn Abī Shayba of relating invented *hadīth*,[25] while only Muṣʿab al-Zubayrī and Ibrāhīm al-Taymī, of these six, enjoyed an unblemished reputation for reliability [26]

Clearer evidence for an abrogation of the Inquisition in this year comes from the appointment of *qāḍīs* [27] Also in 234/848-849, the caliph

---

21 ʿAbd Allāh b Aḥmad Ibn Ḥanbal, *Kitāb al-Sunna*, ed Muḥammad b Saʿīd b Sālim al-Qaḥṭānī, 2 vols (Dammam: Dār Ibn al-Qayyim, 1986), vol 1, 160; al-Khallāl, *al-Musnad min masā'il Abī ʿAbd Allāh Aḥmad b Muḥammad b Hanbal*, ed Ẓiyā'uddīn Aḥmad, Asiatic Society of Bangladesh Publicn 29 (Dacca: Asiatic Society of Bangladesh, 1975), 451

22 ʿAbd Allāh b Aḥmad, *K al-Sunna*, vol 1, 165, 179; al-Khallāl, *Musnad*, 442, 449, 450; al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 8, 65; Ibn ʿAbd al-Barr, *al-Intiqā' fī faḍā'il al-thalātha al-a'imma al-fuqahā'* (Cairo: Maktabat al-Qudsī, 1350), 156; Ibn Abī Yaʿlā, *Ṭabaqāt al-ḥanābila*, vol 1, 29, 172, 202, 343

23 Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 10, 68

24 Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 12, 372, 373

25 Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād* vol 10, 68; vol 11, 284, 285

26 Ibn Ḥajar, *Tahdhīb*, vol 2, 155; vol 10, 163, 164

27 We have a good guide to the *qāḍīs* of Baghdad in Ṣāliḥ Aḥmad al-ʿAlī, "Quḍāt Baghdād fī al-ʿaṣr al-ʿabbāsī: Dirāsa fī al-idāra al-islāmīya," *Majallat al-majmaʿ al-ʿilmī al-ʿirāqī* xviii (1969), 145-208 Al-ʿAlī precedes his list with a long and useful discussion of Baghdadi *qāḍīs*, with particular reference to topography Al-ʿAlī's list seems to be erroneous here and there; however, it certainly supplants Louis Massignon, "Cadis et naqibs bagdadiens," *Opera minora*, ed Y Moubarac, 3 vols (Beirut: Dar al-Maaref, 1963), i, 258-65 On the *qāḍīs* of Basra, Kufa, and Baghdad, the most important single source is Wakīʿ, *Akhbār al-quḍāt*, ed ʿAbd al-ʿAzīz Muṣṭafā al-Marāghī, 3 vols (Cairo: Maṭbaʿat al-Istiqāma, 1947-1950), summarized by Dominique Sourdel, "Les cadis de Baṣra d'après Wakīʿ," *Arabica* ii (1955), 111-14 On men of religion active in Baghdad, our indispensible leading source is al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, to be used with Abū Hājir Muḥammad al-Saʿīd al-Basyūnī, *Fahāris "Tārīkh Baghdād"* (Beirut: Dār al-Kutub al-ʿIlmīya, 1987) A full source for the *qāḍīs* of Old Cairo is al-Kindī, *The Governors and Judges of Egypt*, with continuations appended The *qāḍīs* of Damascus are enumerated in Ibn Ṭūlūn, *Quḍāt Dimashq*, but this needs to be filled out by Ibn al-Manẓūr, *Mukhtaṣar "Tārīkh Dimashq,"* pending the complete publication of Ibn ʿAsākir, *Tārīkh Dimashq*, itself Many lists of *qāḍīs* are to be found in Heinz Halm, *Die Ausbreitung der Šāfiʿitischen Rechtsschule von den Anfängen*

dismissed ʿUbayd Allāh b Aḥmad b Ghālib (d after 234/848), hitherto *qāḍī* for the East Side of Baghdad ʿUbayd Allāh was a Ḥanafī jurisprudent and a protégé of Ibn Abī Duwād's Al-Wāthiq had appointed him in 228/842 [28] The biographer of Baghdadi *qāḍī*s, Ṭalḥa b Muḥammad al-Shāhid (d 380/990-991), attributes his dismissal to popular discontent with Ibn Abī Duwād and his followers [29] His replacement, al-Wābiṣī (d 247/861-862?), was dismissed by Yaḥyā b Aktham in 237/851, but on the ground of juristic incompetence, not theology [30] Aḥmad Ibn Hanbal told al-Mutawakkil's envoy, "I have heard of him nothing but good," indicating with certainty that al-Wābisī was not known for professing the Qur'ān create [31]

Yet other evidence from the dismissal and appointment of *qāḍī*s suggests that it was not a main purpose of al-Mutawakkil's to repudiate the Inquisition Ibn Abī Duwād remained chief *qāḍī* (his son Muḥammad deputy from 233/848) until 237/851 [32] On the West Side of Baghdad, al-Hasan b ʿAlī b al-Jaʿd (d 242?/856), appointed by al-Wāthiq in 228/842, remained *qāḍī* throughout the decade [33] He followed the Iraqis in jurisprudence, i e , the nascent Ḥanafī school [34] As for the doctrine of the create Qur'ān, Aḥmad Ibn Hanbal told al-Mutawakkil's envoy that al-Hasan had been notorious for his Jahmism (professing the Qur'ān to be create) but that he had also heard

---

bis zum 8 /14 Jahrhundert, Beihefte zum tübinger Atlas des vorderen Orients, B (Geisteswissenschaften), iv (Wiesbaden: Ludwig Reichert, 1974), an admirable collection but less useful than one might expect—for almost any particular city, too far short of being exhaustively researched to spare one the trouble of doing the work over for oneself A complete list of known *qāḍī*s will probably have to rest on the work of many careful researchers

[28] Wakīʿ, *Akhbār al-quḍāt*, vol 3, 277; Ṭalḥa b Muḥammad, *Tasmiyat quḍāt Baghdād* (on which see al-ʿAlī, 148), *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 10, 319, 320

[29] Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 11, 52

[30] Aḥmad b Kāmil, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdādī*, vol 11, 52, 53

[31] Ṭalḥa b Muḥammad < Abū Muzāḥim, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 11, 53, ll 9-12

[32] For the date of Ibn Abī Duwād's debilitating stroke, see Ibn Khallikān, *Wafayāt al-aʿyān*, ed Iḥsān ʿAbbās, 7 vols + index (Beirut: Dār al-Thaqāfa, 1968, 1973), vol 1, 88 Al-ʿAlī is surely mistaken to report that Yaḥyā b Aktham was re-appointed under al-Wāthiq in 230/844-845 ("Quḍāt Baghdad," 195) His cited sources describe only Yaḥyā's replacement by Jaʿfar b ʿAbd al-Wāḥid in 240

[33] Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 364; al-Ḥārith Ibn Abī Usāma, *apud* al-Khaṭīb al-Baghdādī, vol 10, 73; Niftawayh, *apud* al-Khaṭīb al-Baghdādī, vol 10, 319

[34] Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 364, ll 7, 8

of his repentance [35] Perhaps al-Hasan announced his new position in 234, but we do not know

Over the district of al-Sharqīya, on the west side of Baghdad, al-Mutawakkil left in place ʿAbd Allāh b Muḥammad al-Khalanjī (d 253/867) [36] It is difficult to make out any juridical-theological reason why al-Mutawakkil should have dismissed ʿUbayd Allāh b Aḥmad b Ghālib but not al-Khalanjī Both had been appointed by al-Wāthiq in 228/842 [37] Both were Ḥanafī in jurisprudence, al-Khalanjī having studied under Ibn Samāʿa (d 233/848), a disciple of both Abū Yūsuf's and Muḥammad al-Shaybānī's [38] Both were protégés of Ibn Abī Duwād's, and al-Khalanjī, too, expressly professed the Qur'ān create [39] At any rate, the retention of al-Khalanjī argues strongly against any decisive reversal of the Inquisition in 234

Equally outside Baghdad there was no systematic removal in 234 of *qāḍīs* who had professed the Qur'ān to be create Ghassān b Muḥammad, who had prosecuted the Inquisition in Kufa under al-Muʿtaṣim and al-Wāthiq, was not replaced until 235/849-850, and there is no evidence that his replacement had to do with the Qur'ān [40] Al-Sukkarī remained *qāḍī* for Damascus until 237/851-852 Hinds observes that Ibn Abī al-Layth (d 250/864-865), who had prosecuted the Inquisition in Egypt, was dismissed in 235/850 and cursed from the *minbar*, however, there is abundant testimony that the issue was not the Qur'ān but financial peculation [41] Indeed, al-Mutawakkil had him reinstated for about four months in 237/851-852 [42]

The real end of the Inquisition must be counted as beginning in Ṣafar or Rabīʿ I 237/August-October 851 and ending early Shawwāl 237/late March 852 It was in one of the former months that al-Mutawakkil dismissed his chief *qāḍī*, Ibn Abī Duwād, and his son, Muḥammad [43] Al-Mutawakkil appointed Yaḥyā b Aktham (d 242/857) in

---

35 Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 364

36 His name sometimes appears as "al-Khalījī," but I follow Ibn Ḥajar, *Tabṣīr al-muntabih bi-taḥrīr "al-Mushtabih,"* ed ʿAlī Muḥammad al-Bijāwī, 4 vols (Cairo: al-Dār al-Miṣrīya lil-Ta'līf wa-al-Tarjama, 1964?-1967), ii, 551

37 Wakīʿ, *Akhbār al-quḍāt*, vol 3, 277; al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 9, 243; Nifṭawayh, *apud* al-Khaṭīb al-Baghdādī, vol 10, 73; Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, vol 10, 261, l 14

38 Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 10, 73

39 Nifṭawayh, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 10, 73

40 Wakīʿ, *Akhbār al-quḍāt*, vol 3, 191 (prosecuted Inquisition), 194 (replaced)

41 Hinds, "Miḥna"; al-Kindī, *Governors*, 462, 463; acknowledged by Miah, *Reign of al-Mutawakkil*, 81, 244

42 Al-Kindī, *Governors*, 464, 465

43 See the various dates in Ibn Khallikān, *Wafayāt al-aʿyān*, vol 1, 90

their place as chief *qāḍī* [44] Yaḥyā was no traditionalist luminary He had once been chief *qāḍī* for al-Ma'mūn and an important adviser He had fallen from grace before the Inquisition, in 215/830-831, but after al-Ma'mūn's formal endorsement of the doctrine of the create Qur'ān [45] His pederasty was notorious, but Aḥmad Ibn Hanbal endorsed him [46] Al-Khalanjī was dismissed one to four months later [47] Yaḥyā went on to dismiss Ibn Abī Duwād's appointee, al-Sukkarī, *qāḍī* for Damascus [48] Finally, in Shawwāl, al-Mutawakkil wrote to instruct his lieutenants to release all prisoners held on account of the Inquisition [49] At the same time, he had the head and body of Aḥmad b Naṣr taken down and given to his relations for a proper funeral and burial [50] This is also when he bade Aḥmad Ibn Ḥanbal visit him in Samarra [51]

Aḥmad went to Samarra, but seemed thoroughly unappreciative of the caliph's bounty He agreed to wear black, but later regretted it and

---

44 Someone else succeeded Muḥammad over the *maẓālim*, but only until Yaḥyā could be brought to Samarra: see al-Ṭabarī, *Annales*, vol 3, 1410 = *Tārīkh*, vol 9, 188.

45 On Yaḥyā's fall from grace, see al-Mas'ūdī, *Les Prairies d'or*, ed Barbier de Meynard and Pavet de Courteille, 9 vols (Paris, 1861-1877), vol 7, 48 = *Murūj al-dhahab*, rev Charles Pellat, Manshūrāt al-Jāmi'a al-Lubnānīya, Qism al-Dirāsāt al-Tārīkhīya, 11, 7 vols (Beirut: al-Jāmi'a al-Lubnānīya, 1973-1974), vol 4, 319 On al-Ma'mūn's endorsement of the doctrine of the create Qur'ān in 212/827, see al-Ṭabarī, *Annales*, vol 3, 1099 = *Tārīkh*, vol 8, 619

46 Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 14, 198

47 In one of the months of Jumādā/October-December 851, according to Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 10, 74, *contra* Hinds, "Miḥna," who says only "an unspecified date (probably 237) "

48 Muḥammad b al-Fayḍ, *apud* Ibn al-Manẓūr, *Mukhtaṣar*, vol 4, 354

49 Al-Ya'qūbī, *Historiae*, ed M Th Houtsma, 2 vols (Leiden: E J Brill, 1883), vol 2, 484; Ibn al-Jawzī, *al-Muntaẓam*, *s a* 237; ed Muḥammad 'Abd al-Wahhāb Faḍl, 2 vols (Cairo: Maṭba'at al-Amāna, 1985), vol 1, 214 = ed Muḥammad 'Abd al-Qādir 'Aṭā and Muṣṭafā 'Abd al-Qādir 'Aṭā, with Nu'aym Zurzūr, 18 vols (Beirut: Dār al-Kutub al-'Ilmīya, 1992), vol 11, 251

50 Al-Ṭabarī, *Annales*, vol 3, 1412 = *Tārīkh*, vol 9, 190, 191 In 231/846, Aḥmad b Naṣr had been involved in a conspiracy against the caliph al-Wāthiq, for which, presumably, he was arrested; however, the accounts of his trial and the placards next to his body indicate that the chief issue was the Qur'ān, which Aḥmad professed to be increate See Hinds, "Miḥna," to whose references add al-Dhahabī, *Siyar* vol 11 (ed Ṣāliḥ al-Samr), 166, with further references

51 The earliest extant accounts are Hanbal b Isḥāq, *Dhikr miḥnat al-imām Ahmad Ibn Hanbal*, ed Muḥammad Naghash (Cairo: Dār Nashr al-Thaqāfa, 1977), and Ṣāliḥ b Aḥmad, *Sīrat al-imām Aḥmad Ibn Ḥanbal*, ed Fu'ād 'Abd al-Mun'im Aḥmad (Alexandria: Mu'assasat Shabāb al-Jāmi'ah, 1981) Neither dates the visit to Samarra Ibn Kathīr states once that al-Mutawakkil sent the invitation through Isḥāq b Ibrāhīm, who died 235/850: *al-Bidāya wa-al-nihāya*, 14 vols (Cairo: Maṭba'at al-Sa'āda, 1932-1939), vol 10, 337 However, he also explicitly places Aḥmad's going to Samarra in Shawwāl 237: vol 10, 316, 340 It is possible that there were two invitations, only the second one heeded It seems more likely that the account of an earlier invitation through Isḥāq is erroneous

tore off those clothes Al-Mutawakkil asked him to tutor his son, presumably the later caliph al-Muʿtazz, but Aḥmad refused The caliph pressed food on him, but Aḥmad steadfastly refused it, making do with a few loaves of bread [52] He refused to attend the public prayer on Friday, lest he be exposed there to the caliph's blandishments [53] Soon, he returned to Baghdad, where he continued to live in poverty, refusing the caliph's periodic gifts of food and money [54]

Aḥmad may have refused to embrace the caliph in part because there were plainly limits to his repudiation of the Inquisition Yaḥyā b Aktham actually appointed a former prosecutor of the Inquisition, Hayyān b Bishr, to the judgeship of al-Sharqīya [55] Al-Mutawakkil had the head and body of Aḥmad b Naṣr taken down and given to his relations, however, he was still so concerned to maintain caliphal authority, even if it had been used to uphold a create Qur'ān, that he forbade the populace to gather in mourning [56] In Basra, Aḥmad b Riyāḥ remained *qāḍī* from 223/837 clear until 239/854 He had not been associated with prosecuting the Inquisition, but Ibn Abī Duwād seems to have kept him in office [57]

The district of al-Sharqīya soon reverted to old associates of Ibn Abī Duwād's Hayyān b Bishr was succeeded on his death by Muḥammad b ʿAbd Allāh Ibn al-Mu'adhdhin (d after 241/855), at one time, at least, associated with Ibn Abī Duwād [58] He was counted among the followers of Abū Hanīfa but not known to have related any ḥadīth reports at all [59] In 241/855, al-Mutawakkil replaced him in turn by Abū

---

52 Aḥmad Ibn Ḥanbal (actually, Abū Bakr al-Marrūdhī), *K al-Waraʿ*, ed Zaynab Ibrāhīm al-Qārūṭ (Beirut: Dār al-Kutub al-ʿIlmīya, 1983, a re-edition of Cairo, 1340), 77

53 Aḥmad Ibn Hanbal, *K al-Waraʿ*, 79

54 Aḥmad's dealings with the caliph are fully chronicled in the works cited in note 51 Aḥmad had a long history of refusing gifts: see the several stories in Abū Nuʿaym al-Iṣfahānī, *Ḥilyat al-awliyā' wa-ṭabaqāt al-aṣfiyā'*, 10 vols (Cairo: Maṭbaʿat al-Saʿādah, 1932-1938), vol 9, 178, 179, 181

55 Al-Ṭabarī, *Annales*, vol 3, 1411, 1412 = *Tārīkh*, vol 9, 189 For Ḥayyān's rôle in the Inquisition in Isfahan, see above At least one critic did exonerate him of believing personally that the Qur'ān was create: Ibn Hibbān < Abū Zakarīyā', *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 8, 285

56 Al-Ṭabarī, *Annales*, vol 3, 1412 = *Tārīkh*, vol 9, 190, 191

57 See esp Wakīʿ, *Akhbār al-quḍāt*, vol 2, 175 Ibn Hajar states outright that Aḥmad b Riyāḥ was a protégé (*ṣāḥib*) of Ibn Abī Duwād's: *Tabṣīr*, vol 2, 588

58 Wakīʿ, *Akhbār al-quḍāt*, vol 3, 291; Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 5, 416, ll 5, 6 Aḥmad Ibn Hanbal: *kāna maʿa Ibn Abī Duwād fī nāḥiyatih wa-lā aʿrifu ra'yahu al-yawm* (*apud* al-Khaṭīb al-Baghdādī, vol 5, 416, ll 13, 14)

59 Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 5, 416

Hassān al-Ziyādī (d 242?/856), also once a close associate of Ibn Abī Duwād's [60] Only on his death did the judgeship of al-Sharqīya pass out of the hands of men associated with the Inquisition, when al-Mutawakkil appointed Abū Hishām Muḥammad b Yazīd al-Rifāʿī (d 248?/862) [61]

Even more limited than his repudiation of the Inquisition was al-Mutawakkil's embrace of traditionalism Martin Hinds has characterized al-Ma'mūn as aiming by the Inquisition to establish hardline Hanafī thinking against traditionalists more devoted to *hadīth* We must not infer that al-Mutawakkil was opposed to Hanafīsm There is a late report that al-Mutawakkil himself was a Shāfiʿī, the first caliph to identify with any school of law [62] However, given the inchoate state of the Shāfiʿī school in his time, this seems doubtful Certainly, when he came to appoint a panel of jurisprudents in 245/859 to investigate a case appealed from Egypt, he chose adherents of the Kufan school, i e , the Ḥanafī [63]

If there is any pattern to al-Mutawakkil's further judicial appointments, it is clearly not that he preferred men known for their cultivation of *hadīth* Several contrary cases, of men appointed to judgeships who ignored the science of *hadīth*, have been mentioned already In 235/849-850, al-Mutawakkil appointed as *qāḍī* for Kufa Jaʿfar b Muḥammad b ʿAmmār al-Burjumī (d 250/864), who had no reputation whatever as a transmitter of *hadīth* [64] In 240/854, al-Mutawakkil replaced chief *qāḍī* Yaḥyā b Aktham with another Basran, Jaʿfar b ʿAbd al-Wāḥid (d 258/871-872) [65] It is unclear to which school of law Jaʿfar himself adhered, however, he had only a poor reputation as a traditionist [66] The opposition of one traditionalist, Abū Zurʿa al-Rāzī,

---

[60] Al-Ṭabarī, *Annales*, vol 3, 1424 = *Tārīkh*, vol 9, 200; Aḥmad Ibn Hanbal, *apud* al-Khaṭīb al-Baghdādī, vol 7, 357

[61] In 242/856-857, according to Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 3, 376; in 243/857-858, according to Wakīʿ, *Akhbār al-quḍāt*, vol 3, 292, 193

[62] Al-Suyūṭī, *Tārīkh al-khulafā'* (Beirut: Dār al-Thaqāfa, 1970's), 380 Al-Suyūṭī contradicts the equally dubious report of Ibn Taghrībirdī, related by Hinds, that al-Ma'mūn excelled in Hanafī law

[63] Al-Kindī, *Governors*, 474, 475; discussed by Miah, *Reign of al-Mutawakkil*, 245, 257, who wisely refrains from identifying the caliph with any particular school

[64] Wakīʿ, *Akhbār al-quḍāt*, vol 3, 194

[65] Al-Ṭabarī, *Annales*, vol 3, 1421 = *Tārīkh*, vol 9, 197 Ibn al-Jawzī reports the same *s a* 239: *al-Muntaẓam*, ed Faḍl, vol 1, 245; ed ʿAṭā' and ʿAṭā', vol 11, 266.

[66] See Ibn Ḥajar, *Lisān "al-Mīzān,"* 7 vols (Hyderabad: Majlis Dā'irat al-Maʿārif, 1329-1331), vol 2, 117, 118

struck Dominique Sourdel as curious,[67] however, it must seem so only if one assumes that al-Mutawakkil meant to promote strict traditionalism On the death of al-Hasan b ʿAlī b al-Jaʿd, *qāḍī* for the West Side of Baghdad, al-Mutawakkil appointed the Hanafī Aḥmad b Muḥammad b Samāʿa (d after 252/866) [68] He, too, had no good reputation as a traditionist [69]

Jaʿfar b ʿAbd al-Wāḥid appointed as his deputy over Samarra another Basran, al-Hasan Ibn Abī al-Shawārib (d 261/875) [70] No source states al-Ḥasan Ibn Abī al-Shawārib's school of law, although his brother, at least, was said to follow the school of the Iraqis, i e , the nascent Hanafī school [71] He was evidently traditionalist in theology, or at least denied the Qur'ān to be create On the other hand, he appears in no encyclopedia of *rijāl* criticism, suggesting that he had little to do with transmitting *hadīth* A main qualification for office may have been his Umayyad descent

From a traditionalist point of view, al-Mutawakkil's appointments to the East Side of Baghdad must seem a little better Sawwār b ʿAbd Allāh (d 245/860), another Basran whom Yaḥyā b Aktham appointed, in 237/851-852, would appear in two of the Six Books, and Aḥmad Ibn Hanbal said he had heard nothing but good of him [72] When Sawwār died, al-Mutawakkil ordered Jaʿfar b ʿAbd al-Wāḥid to appoint in his place Ismāʿīl b Isḥāq (d 282/896), the prominent Basran Māliki [73] Ismāʿīl b Isḥāq would appear in none of the Six Books, but

---

67 Sourdel, "Politique religieuse," 10fn

68 Wakīʿ, *Akhbār al-quḍāt*, vol 2, 284; Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 5, 10

69 Ibn Ḥajar, *Lisān*, vol 1, 302, 303, mentions a rejected traditionist by the name of Aḥmad b Muḥammad al-Samāʿī, probably this *qāḍī* I have found no positive report of him in the usual collections

70 Niftawayh, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 410, l 10.

71 Al-Khaṭīb al-Baghdādī, *Tāıīkh Baghdād*, vol 12, 60 I would provisionally assign both Jaʿfar b ʿAbd al-Wāḥid and al-Hasan Ibn Abī al-Shawārib to the waning Basran school, now in the process of absorption by the waxing Hanafī and Mālikī schools On the Basran school, see Christopher Melchert, "The Formation of the Sunni Schools of Law, Ninth-Tenth Centuries C E ," Ph D dissertation, Univ of Pennsylvania (1992), 80-90

72 Wakīʿ, *Akhbār al-quḍāt*, vol 3, 278; al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 8, 285, vol 9, 210, 211 Massignon writes his name "Sawār," Miah "Suwār " Ibn Hajar provides no explicit guidance, but "Sawwār" seems to be the most common form: Ibn Hajar, *Tabṣīr*, vol 2, 699, 670; see also Ibn Hajar, *Tahdhīb*, vol 4, 267fn

73 Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 287, based partly on Niftawayh Ibn al-Jawzī states that Ismāʿīl b Isḥāq was given the two sides of Baghdad in 246, but this seems to be an error: *al-Muntaẓam*, s a 282; 6 vols (Hyderabad: Dā'irat al-Maʿārif al-ʿUthmānīya, 1357-1360), vol 5/2, 161; ed ʿAṭā'

he is known to have made several collections of *hadīth*, and there is extant no aspersion of his reliability in that science

Still, the only evident pattern to al-Mutawakkil's appointments seems to be no more than a preference for men of Qurashi lineage (e g , Jaʿfar b ʿAbd al-Wāḥid and the Banū Abī al-Shawārib) and of Basran background (e g , Yaḥyā b Aktham, Jaʿfar b ʿAbd al-Wāḥid, and the Banū Abī al-Shawārib) Al-Ma'mūn had appointed *qāḍīs* of the same characters (e g , Ibn Abī Duwād, a Basran, who first rose to prominence as a protégé of Yaḥyā b Aktham's) All in all, then, it seems unsurprising that Aḥmad Ibn Hanbal should have responded so coldly to al-Mutawakkil's overtures, unsurprising, too, that expressions of gratitude and praise for the caliph should be quoted of so few traditionalist contemporaries (as opposed to later writers) Al-Mutawakkil did gradually end the Inquisition, but he hardly became a sponsor of traditionalist Islam

Al-Muntaṣir (r *247-248/861-862), al-Mustaʿīn* (r *248-252/862-66), al-Muʿtazz* (r *252-255/866-869)*

Al-Mutawakkil was assassinated on 4 Shawwāl 247/11 December 861 There followed a period of confusion at Samarra, as the Turkish soldiery made and unmade caliphs and five men assumed the caliphate during the course of a decade Al-Mutawakkil was succeeded by his son al-Muntaṣir Al-Mutawakkil had been about to substitute another son, al-Muʿtazz, as his designated successor He had also been about to confiscate the estates of the Turkish commander al-Waṣīf A natural interpretation of the assassination is that al-Muntaṣir collaborated with the Turks to preserve his and their positions [74] Sourdel discerns a religious motive He observes that al-Muntaṣir had disapproved of his father's measures against the ʿAlids, and suggests that al-Mutawakkil was assassinated to forestall more of the same [75]

Actually, al-Muntaṣir's religious policy was little different from his father's Sourdel does state that he was notably friendly toward the ʿAlids [76] A report to the contrary, that he wrote the governor of Egypt

---

and ʿAṭā', vol 12, 346

[74] See al-Ṭabarī, *Annales*, vol 3, 1452-57 = *Tārīkh*, vol 9, 222-25 Working independently from different sources, Michael L Bates likewise stresses faction at the court to explain the murder of al-Mutawakkil His forthcoming book, *The Expression of Nobility in the Abbasid Caliphate, 218-334 H /833-946 CE*, will explain much that is now unclear about politics in this period

[75] Sourdel, "Politique religieuse," 7, 8

[76] Sourdel, "Politique religieuse," 9

restricting the 'Alids' movement and even disallowing their testimony in lawsuits, may belong to the period before he became caliph, when he was governor over Egypt under al-Mutawakkil [77] But the Shiʿī historian al-Yaʿqūbī (d 292?/904-905) has nothing good to say of him [78] He certainly replaced no *qāḍī* appointed by his father One *qāḍī* was ordered to desist from his work Ibrāhīm b Muḥammad al-Taymī, appointed *qāḍī* for Basra in 239/854 He had been among the traditionists brought to Samarra in 234, and praised al-Mutawakkil for restoring the Sunna (abrogating the Inquisition or, perhaps, opposing the Shīʿa), and for this reason al-Muntaṣir may have been suspicious of him, yet, al-Muntaṣir never formally dismissed him or appointed a replacement [79] Al-Muntaṣir seems to have confirmed all his father's appointments to judgeships in Baghdad

Al-Muntaṣir died after only half a year as caliph His successor, al-Mustaʿīn (*r* 248-252/862-866), was a grandson of al-Muʿtaṣim's but not the son of any caliph he may have been chosen precisely because he was a nonentity unlikely to challenge the men who had killed al-Mutawakkil and elevated al-Muntaṣir Sourdel complains that we are ill-informed about his reign [80] The record of his judicial appointments does eke out what the chronicles tell us He ordered Ibrāhīm al-Taymī to resume his work, and Ibrāhīm remained *qāḍī* of Basra until his death [81] Al-Mustaʿīn dismissed al-Mutawakkil's and al-Muntaṣir's chief *qāḍī*, Jaʿfar b 'Abd al-Wāḥid (d 258/871-872), in 249/863-864 or 250/864 and exiled him to Basra [82] Jaʿfar had been accused of treasonous correspondence with the Shākirīya, a body of troops who had rioted in Ṣafar 249/March 863 [83] He may have looked forward to the restoration of al-Mutawakkil's son, al-Muʿtazz, however, we cannot say whether his objections to al-Mustaʿīn had any religious overtones

Al-Mustaʿīn replaced Jaʿfar b 'Abd al-Wāḥid at Samarra with Jaʿfar b Muḥammad b 'Ammār (d 250/864), hitherto *qāḍī* of Kufa

---

77 Al-Kindī, *The Governors and Judges of Egypt*, 204 I owe the suggestion that the report is misplaced to Michael L Bates

78 Al-Yaʿqūbī, *Mushākalat al-nās li-zamānihim*, trans William G Millward, "The Adaptation of Men to Their Time: An Historical Essay by al-Yaʿqūbī," *Journal of the American Oriental Society* lxxxiv (1964), 343

79 Wakīʿ, *Akhbār al-quḍāt*, vol 2, 179-81

80 Sourdel, "Politique religieuse," 10

81 Wakīʿ, *Akhbār al-quḍāt*, vol 2, 179-81

82 Al-Ṭabarī, *Annales*, vol 3, 1515, 1533 = *Tārīkh*, vol 9, 265, 276; Aḥmad b Ibrāhīm b Muḥammad b 'Arafa (i e , Nifṭawayh), *Tārīkh*, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 175, ll 6-9

83 Al-Ṭabarī, *Annales*, vol 3, 1511, 1512, 1533 = *Tārīkh*, vol 9, 262, 276

since his appointment by al-Mutawakkil [84] It is unclear whether al-Musta'īn named him chief *qāḍī* as well [85] At least, his appointment argues against al-Musta'īn's pursuing any systematic reversal of the policies of al-Mutawakkil So does al-Musta'īn's appointment in 249/863-864 of Aḥmad b Muḥammad al-Birtī (d 280/894) as *qāḍī* of al-Sharqīya at the death of al-Rifā'ī, whom al-Mutawakkil had appointed A Hanafī, al-Birtī was also a former protégé of Yaḥyā b Aktham, sometime chief *qāḍī* for al-Mutawakkil [86]

After another siege of Baghdad, al-Musta'īn was forced to resign in favor of his cousin al-Mu'tazz (*r* 252-255/866-869) Sourdel characterizes al-Mu'tazz as re-establishing the policy of his father, al-Mutawakkil, adducing the appointment of al-Ḥasan b Muḥammad Ibn Abī al-Shawārib (d 261/875) as chief *qāḍī* [87] Under al-Mutawakkil, this Ibn Abī al-Shawārib had been *qāḍī* of Samarra as deputy to Ja'far b 'Abd al-Wāḥid [88] His appointment by al-Mu'tazz evidently expressed some traditionalist tendency The story is told that the caliph's tutor, Muḥammad b 'Imrān al-Ḍabbī (d 255/869-870), originally recommended about eight men to the judgeship, including al-Khalanjī (d 253/867), a prosecutor of the Inquisition under al-Wāthiq, and al-Khaṣṣāf (d 261/874), a prominent Hanafī Other advisers protested that these men adhered to rejected theological schools "They are among the followers of Ibn Abī Duwād, Rāfiḍa, Qadarīya, Zaydīya, and Jahmīya " Hearing so, al-Mu'tazz ordered them all sent away from Samarra, and left al-Ḍabbī in charge only of the *maẓālim* (equity) jurisdiction [89]

Al-Mu'tazz replaced some lesser *qāḍīs*, as well He dismissed his father's appointee to the judgeship of the West Side of Baghdad, the Hanafī Ibn Samā'a (d after 252/866) [90] In his place, he appointed

---

[84] Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 163

[85] Al-Khaṭīb al-Baghdādī calls him "chief *qāḍī*" (*Tārīkh Baghdād*, vol 7, 163), but Wakī' expressly denies that he was any more than *qāḍī* for Samarra (*Akhbār al-quḍāt*, vol 3, 303)

[86] Wakī', *Akhbār*, vol 3, 293; Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, vol 5, 62, ll 3, 4

[87] Sourdel, "Politique religieuse," 12

[88] Niftawayh, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 7, 410, l 10.

[89] Al-Ṭabarī, *Annales*, vol 3, 1684 = *Tārīkh*, vol 9, 371 "Rāfiḍa" probably indicates Shī'a who preferred 'Alī to Abū Bakr and 'Umar, "Zaydīya" those who merely preferred 'Alī to 'Uthmān The Qadarīya disbelieved in predestination Al-Ṭabarī identifies al-Ḍabbī as *mu'addib al-Mu'tazz*, but he may have been not the former tutor of the caliph himself but tutor of the caliph's sons, as suggested by Yāqūt, *The Irshád al-aríb ilá ma'rifat al-adíb*, ed D S Margoliouth, E J W Memorial ser 6, 7 vols (Leiden: E J Brill, 1907-1927), vol 7, 52

[90] Wakī', *Akhbār al-quḍāt*, vol 3, 284

Ibrāhīm Ibn Abī al-ʿAnbas (d 277/890), formerly *qāḍī* of Kufa and a well-regarded traditionist, although Hanafī [91] Here, he seems to have gone somewhat further than his father in a traditionalist direction

Yet al-Muʿtazz had Ibn Abī al-ʿAnbas removed a year later, in 254/868, appointing in his place Aḥmad b Yaḥyā Ibn Abī Yūsuf (d after 258/871) [92] Ibn Abī Yūsuf was another follower of the Iraqi school (i e , what was becoming the personal Hanafī school), who related no *hadīth* at all[93] his appointment looks like a step backwards from any traditionalist policy Al-Muʿtazz had to replace Ibn Abī Yūsuf later in the same year (254/868-869) for "perversion in his pleasures," but he soon re-instated him [94] Al-Muʿtazz left in place his father's appointee to the judgeship of the East Side of Baghdad, al-Mustaʿīn's appointee to al-Sharqīya

Outside Baghdad, al-Muʿtazz appointed his chief *qāḍī*'s brother, al-ʿAbbās Ibn Abī al-Shawārib (*fl 250's/860's*) as *qāḍī* of Basra [95] He also sent Ibn Abī al-ʿAnbas to be *qāḍī* of Kufa [96] He replaced no *qāḍīs* in Old Cairo (*miṣr*) and Damascus, though Altogether, it can hardly be said on the basis of his judicial appointments that al-Muʿtazz adopted a policy markedly different from that of his predecessors, al-Muntaṣir and al-Mustaʿīn, nor markedly closer than theirs to the policy of his father, al-Mutawakkil

---

[91] On his appointment, see Wakīʿ, *Akhbār al-quḍāt*, vol 3, 198, 284; Nifṭawayh and Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 25 On his trustworthiness as a traditionist, see al-Dāraquṭnī, *apud* al-Khaṭīb al-Baghdādī, vol 6, 25 On his juridical affiliation, see Ibn Abī al-Wafā', *al-Jawāhir al-muḍīya*, ed al-Hulw, vol 1, 71, 72

[92] Wakīʿ, *Akhbār al-quḍāt*, vol 3, 284; Nifṭawayh, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 5, 201; Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, vol 5, 202 Al-Khaṭīb al-Baghdādī also reports that al-Muʿtazz removed Ibn Abī al-ʿAnbas for refusing to lend any money of the orphans' to his half-brother, al-Muwaffaq: *Tārīkh Baghdād*, vol 6, 25, 26 This report seems odd for two reasons: it refers to "al-Muwaffaq" years before he received the title, and one wonders why al-Muʿtazz should have shown such concern for him, when he had imprisoned him in 252/866, banished him from Samarra the next year, and apparently kept him under the close supervision of the Baghdadi prefect of police till his own deposition in 255/869, on which see al-Ṭabarī, *Annales*, vol 3, 1668, 1669, 1693, 1714, 1715 = *Tārīkh*, vol 9, 361, 362, 377, 392, 292 I thank Michael L Bates for pointing out the oddity

[93] Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 5, 202.

[94] Wakīʿ mentions his removal for perversion (*inḥirāf fī ladhdhātih*), but gives no date (*Akhbār al-quḍāt*, vol 3, 284) Ṭalḥa b Muḥammad mentions his removal and re-instatement (*apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 5, 202)

[95] Wakīʿ, *Akhbār al-quḍāt*, vol 2, 181

[96] Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 25, 26

Al-Muhtadī (r *255-256/869-870)*

Al-Muhtadī replaced al-Muʿtazz in 255/869, and he is a more interesting case—even more than previous accounts of modern scholars would suggest His austerities and devotion to business are well known, e g , fasting by day throughout his caliphate, breaking his fast on nothing more than bread, salt, oil, and vinegar, praying in a woolen garment, banishing musical instruments and singing girls from the palace, and personally overseeing the accounts and the *maẓālim* [97] Less well known is his endeavor to re-establish the religious policy of his father, al-Wāthiq This endeavor seems to have been a good deal more coherent than that of al-Muʿtazz to re-establish the policy of his father

Soon after assuming the caliphate, al-Muhtadī had the Mālikī jurisprudent and courtier, Ḥammād b Isḥāq (d 267/881), chastised and paraded on a donkey for corresponding with al-Muwaffaq in Mecca [98] Al-Muwaffaq had directed the military operations that had obtained the caliphate for al-Muʿtazz, and al-Muhtadī must have feared a restoration of the line of al-Mutawakkil Al-Muhtadī also sacked Hammād's brother, Ismāʿīl b Isḥāq (d 282/896), whom al-Mutawakkil had appointed to the judgeship of the East Side in 246/860-861

When it came to judgeships, al-Muhtadī made more changes during his eleven-month caliphate than any of his three predecessors To begin with the chief *qāḍī*, al-Muhtadī at one point not only removed al-Muʿtazz's appointee, al-Hasan Ibn Abī al-Shawārib, but imprisoned him as well [99] Al-Muhtadī replaced al-Ḥasan Ibn Abī al-Shawārib at Samarra with ʿAbd al-Raḥmān b Nā'il b Najīḥ al-Baṣrī [100] Little is

[97] Al-Ṭabarī, *Annales*, vol 3, 1736 = *Tārīkh*, vol 9, 406; al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 3, 349, 350, drawing on reminiscences from the ʿAbbāsid family

[98] Wakīʿ, *Akhbār al-quḍāt*, vol 3, 280 Ahmed Bekir explains the disgrace of Hammād by his having plotted against al-Wāthiq: *Histoire de l'école malikite en orient jusqu'à la fin du moyen âge* (Paris: Univ de Paris, 1962), 101

[99] Al-Ṭabarī, *Annales*, vol 3, 1787 = *Tārīkh*, vol 9, 437 This was on 28 Dhū al-Qaʿda 255/7 November 870, perhaps about the time that Ṣāliḥ b Waṣīf lost power and Sulaymān b Wahb began to exercise his power as vizier Unfortunately, it seems that no precise dates are firmly attached to Sulaymān's vizierate: see Dominique Sourdel, *Le vizirat ʿabbāside de 749 à 936 (132 à 324 de l'hégire)*, 2 vols (Damascus: Institut Français de Damas, 1959, 1960), 300-03, 727 Ṭalḥa b Muḥammad does report that al-Muhtadī returned Ibn Abi al-Shawārib to office before the year was out; that is, within a month (*apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 287, ll 18, 19) However, there seems reason to doubt it Louis Massignon proposes that Ibn Abī al-Shawārib was replaced for "several months": "Cadis et naqibs," 259 Ṣāliḥ Aḥmad al-ʿAlī will say only that Ibn Abī al-Shawārib was certainly chief *qāḍī*, again, in 258/871-872: "Quḍāt Baghdād," 196.

[100] Al-Ṭabarī, *Annales*, vol 3, 1787 = *Tārīkh*, vol 9, 437; Ṭalḥa b

known of this man He must have adhered to the personal Hanafī school of law, for he appears among the teachers of Abū Khāzim (d 292/905), the important Hanafī jurisprudent [101] He evidently enjoyed no reputation as a traditionist, for his name appears in none of the standard encyclopedias of *rijāl* criticism He was therefore doubtfully traditionalist in theology

A strong preference for Hanafism seems evident in al-Muhtadī's dealings with other *qāḍīs* in Baghdad Ibn Abī Yūsuf and al-Birtī, both Hanafīya, were left in place over the West Side and al-Sharqīya, respectively By contrast, al-Muhtadī removed the one Mālikī *qāḍī* in Baghdad, Ismā'īl b Isḥāq Al-Muntaṣir, al-Musta'īn, and al-Mu'tazz had all left him in place now, in 255/869, al-Muhtadī replaced him with al-Qāsim b Manṣūr al-Tamīmī (d after 256/870), formerly *qāḍī* of Kufa [102] We have no evidence for his legal affiliation, but it seems likely that he followed the Kufan tradition, i e , what was becoming the Hanafī school Like al-Muhtadī's new chief *qāḍī*, al-Qāsim b Manṣūr did not cultivate the science of *hadīth* [103]

Outside Baghdad, al-Muhtadī left in place the *qāḍīs* whom al-Mutawakkil had appointed over Old Cairo and Damascus Bakkār b Qutayba (d 270/884), a Basran Hanafī,[104] and Muḥammad b Ismā'īl Ibn 'Ulayya (d 264/877-878), a minor traditionist,[105] respectively However, he did remove al-Mu'tazz's appointee as *qāḍī* of Kufa, al-Qāsim b Manṣūr, and appointed Ibn Abī al-'Anbas in his place [106] He also, as noted, removed al-Mu'tazz's appointee as *qāḍī* of Basra, al-'Abbās Ibn Abī al-Shawārib, and appointed in his place Aḥmad b al-Wazīr, who has come up before as *qāḍī* of Samarra under al-Musta'īn [107] Like other men appointed to judgeships by al-Muhtadī, Aḥmad b al-Wazīr appears in no encyclopedia of *rijāl* criticism, moreover, he had once been removed from the judgeship of Isfahan on

Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 287

[101] Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 11, 63

[102] Wakī', *Akhbār*, vol 3, 280, 281; Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 287, ll 19, 20

[103] Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 12, 429: "No religious knowledge was borne from him save stories (*akhbār*) from Abū Mulḥam (?) Ibn Ibrāhīm " Wakī' credits him with some knowledge of belles-lettres (*ādāb*; *Akhbār al-quḍāt*, vol 3, 198)

[104] On whom see al-Dhahabī, *Siyar* (ed Ṣāliḥ al-Samr), 599, with references

[105] On whom see Muḥammad b Fayḍ, *apud* Ibn al-Manẓūr, *Mukhtaṣar "Tārīkh Dimashq,"* vol 22, 21; also al-Dhahabī, *Siyar*, vol 12, 295, with references

[106] Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 25, 26

[107] Wakī', *Akhbār al-quḍāt*, vol 2, 181

suspicion of *zandaqa* (secret unbelief) [108] Again, al-Muhtadī's preferences look generally anti-traditionalist

Al-Muhtadī's inclination against traditionalism seems clearest in his association with the Ḥanafī jurisprudent al-Khaṣṣāf Whereas al-Mu'tazz had rejected the man for his association with Ibn Abī Duwād, al-Muhtadī made him prominent to the degree, says Ibn al-Nadīm, that people talked of his reviving the authority of Ibn Abī Duwād, advancing the Jahmīya (exponents of a create Qur'ān) [109] Al-Khaṣṣāf himself was said to believe the Qur'ān create,[110] while al-Muhtadī was at least suspected of it [111] I have discovered no record that al-Khaṣṣāf was ever appointed to formal office, but he might be called a "*qāḍī*," either on account of an unreported appointment or on account of the authority he enjoyed without formal appointment [112]

In jurisprudence, al-Khaṣṣāf was a prominent Hanafī, but of the non-traditionalist wing In most of his extant works, he normally relates first what seems reasonable, second the opinions of Abū Hanīfa and his closest followers, and seldom troubles to discuss the relevant *hadīth* [113] Such evidence may be insufficient, by itself, since most of his works have been lost, however, there is no indication in either the titles of the lost works or elsewhere that he took a strong interest in *hadīth* [114] His name appears in no encyclopedia of *rijāl* criticism His writing a book on legal devices (*hiyal*) bespeaks hostility toward traditionalist jurisprudence, inasmuch as third/ninth-century traditionalists condemned such devices in the strongest terms [115] Contrast his

---

108 Abū Nu'aym al-Iṣbahānī, *Geschichte Isbahāns*, vol 1, 82

109 *Yuḥyī dawlat Ibn Abī Duwād* Ibn al-Nadīm, *Kitâb al-Fihrist*, ed Gustav Flügel, with Johannes Roedigger and August Mueller (Leipzig: F C W Vogel, 1872), 206, ll 11-13

110 Ibn al-Najjār, *apud* al-Dhahabī, *Tārīkh al-islām*, Köprülü (Istanbul) 1017, 24 (I have not found an entry for al-Khaṣṣāf in the printed edition of *Tārīkh al-islām*)

111 Al-Mas'ūdī, *Les prairies d'or*, vol 8, 22-27 = *Murūj al-dhahab*, vol 5, 99-101 Al-Ya'qūbī, *Mushākalat al-nās*, 344 I thank Michael Bates for drawing my attention to this source

112 Ibn al-Najjār, *apud* Ibn Abī al-Wafā', *al-Jawāhir al-muḍīya*, ed Hulw, vol 1, 231

113 I have examined four commentaries on his *Adab al-qāḍī*: with the *Sharḥ* of al-Jaṣṣāṣ, ed Farḥāt Ziyāda (Cairo: Am Univ in Cairo, 1978); al-Ṣadr al-Shahīd, *Kitāb Sharḥ "Adab al-qāḍī"*, ed Muḥyī Hilāl al-Sarḥān, Iḥyā' al-turāth al-islāmī 28 (Baghdad: Wizārat al-Awqāf, 1977); Feyzullah Efendi (Istanbul) 660; and Köprülü (Istanbul) 546; also al-Khaṣṣāf, *K al-Hiial ual-maḥāriğ*, ed Joseph Schacht, Beiträge zur semitischen Philologie und Linguistik 4, ser ed G Bergsträsser (Hanover: Heinz Lafaire, 1923)

114 For titles, see Ibn al-Nadīm, *Fihrist*, 206

115 Aḥmad Ibn Hanbal, *apud* Ibn Abī Ya'lā, *Ṭabaqāt al-ḥanābila*, vol 1, 120, 218

contemporary Ibn al-Thaljī (d 266?/880), expressly known for strengthening Hanafīsm with *ḥadīth* [116]

Norman Calder has recently proposed that we attribute the extant *Kitāb al-Kharāj* of Abū Yūsuf to al-Khaṣṣāf He reports that it contains many *hadīth* reports, and that they are used systematically However, they appear to be the merest formality, if that, in all the sections he discusses in detail [117] Certainly, its style of argumentation is very different from that of contemporary traditionalist texts such as those of Aḥmad Ibn Hanbal Its tendency to exalt the powers of the caliph over local tradition agrees with a tendency to restore al-Ma'mūn's absolutism [118] So does al-Muhtadī's personally issuing opinions on religious issues [119]

Whereas the religious policy of al-Muhtadī was clearly to promote a non-traditionalist Hanafīsm, the evidence for his policy towards Shī'ism is murky Sourdel argues that al-Muhtadī was as hostile to the 'Alids as his predecessors, citing Abū al-Faraj al-Iṣfahānī (d 356/967), *Maqātil al-Ṭālibīyīn* [120] To this evidence one might add the bitter complaints against al-Muhtadī from the later Shī'ī, al-Mufīd Ibn al-Mu'allim (d 413/1022) [121] On the other hand, we must remember that al-Muhtadī reigned shortly after the succession of the eleventh imam, al-Hasan al-'Askarī (d 260/874), and that later Imāmīya were bound to justify the occultation of his son, al-Mahdī, by pointing to caliphal hostility Some Shī'ī chroniclers before Abū al-Faraj (e g , al-Mas'ūdī) would highly praise al-Muhtadī As for other, non-Shī'ī writers, Nifṭawayh does state that al-Muhtadī exiled one Ja'far b Maḥmūd for *rafḍ* (i e , rejecting Abū Bakr and 'Umar in favor of 'Alī) [122] However, if this Ja'far b Maḥmūd was al-Mu'tazz's vizier by that name, it seems likely that he was exiled for political reasons, unlikely that he upheld *rafḍ* [123]

It is admittedly puzzling why al-Muhtadī's anti-traditionalism is not more prominent even in the chronicles Perhaps traditionalists favored

---

116 Ibn al-Nadīm, *Fihrist*, 206

117 See Calder, *Studies*, ch 6

118 On the opposition of "absolutist" to "constitutionalist" blocs, see W Montgomery Watt, *Islamic Philosophy and Thought*, Islamic Surveys 1 (Edinburgh: Univ. Press, 1962), 53

119 Al-Ya'qūbī, *Mushākalat al-nās*, 344

120 Sourdel, "Politique religieuse," 13

121 Al-Shaykh al-Mufīd, *Kitāb al-Irshād The Book of Guidance Into the Lives of the Twelve Imams*, trans I K A Howard (Elmhurst, NY: Tahrike Tarsile Qur'an, 1981), 521, 529

122 Nifṭawayh, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 3, 350

123 On Ja'far b Maḥmūd, see Sourdel, *Vizirat*, 294, 295, with references

silence, partly from embarrassment, partly because al-Muhtadī never forced his rationalism on everyone's attention by a measure like the Inquisition, partly because no recent caliph had come near the traditionalist ideal Al-Ṭabarī (d 310/923) never particularly praises al-Muhtadī We must remember that the austerities he reports of al-Muhtadī were not admired only among traditionalists It is the Shī'ī, al-Ya'qūbī (d 284?/897), who credits him with bringing near the men of religion,[124] the Shī'ī and Mu'tazilī, al-Mas'ūdī (d 345?/956), who likens him among the 'Abbāsids to the pious 'Umar b 'Abd al-'Azīz among the Umayyads [125] Two biographers, admittedly late, state outright that al-Muhtadī was a Mu'tazilī [126]

Al-Muhtadī's association with rationalism may explain why the populace (*al-'āmma*) of Baghdad rioted against his accession in 255/869 [127] It may also explain, as no historian has until now, why the populace did not rise to fight with him against the Turks when they pursued him through the streets in 256/870 Al-Ṭabarī mentions his appeals to the people several times, but equally often their failure "The Turks thanked the populace for not opposing them", "He [al-Muhtadī] called out, 'O ye people! I am the Commander of the Faithful —fight for your caliph,' but the populace did not respond to that", "He urged the people to fight the group and help him, but no one followed him except some toughs (*'ayyārūn*) "[128] It was not a popular policy to promote rationalism, and the overthrow of al-Muhtadī proves it

Al-Mu'tamid (r *256-279/870-892), al-Mu'taḍid* (r *279-289/892-902), al-Muktafī* (r *289-295/901-908)*

It is true that the religious authority of the caliph may have been so far wasted, by this time, that no policy would have attracted much popular

---

124 Al-Ya'qūbī, *Historiae*, vol 2, 617

125 Al-Mas'ūdī, *K al-Tanbīh wa-al-ishrāf*, ed M J de Goeje, Bibliotheca Geographorum Arabicorum 8 (Leiden: E J Brill, 1894), 366

126 Al-'Aynī (d 855/1451) states that he was called a *rahbānī* for his godliness, a Mu'tazilī for his devotion to *'adl and tawḥīd 'Iqd al-jumān fī tārīkh ahl al-zamān, s a* 256; Veli (Istanbul) 2385, 354 Ibn al-Murtaḍā (d 840/1437) includes al-Muhtadī in a list of Mu'tazilī caliphs, citing his association with a Mu'tazilī courtier: Ibn al-Murtaḍā, *Die Klassen der mu'taziliten*, ed Susanna Diwald-Wilzer, Bibliotheca Islamica, ed Helmut Ritter & Albert Dietrich, 21 (Wiesbaden: Franz Steiner, 1961), 126, 127 Cf 'Abd al-Jabbār, *Faḍl al-i'tizāl*, ed Fu'ād Sayyid (Tunis: al-Dār al-Tūnisīya lil-Nashr, 1974), 311

127 Al-Ṭabarī, *Annales*, vol 3, 1714, 1715 = *Tārīkh*, vol 9, 392, 393; Ibn al-Jawzī, *al-Muntaẓam*, ed 'Aṭā' and 'Aṭā', vol 12, 85

128 Al-Ṭabarī, *Annales*, vol 3, 1818, 1821, 1830 = *Tārīkh*, vol 9, 459, 461, 467

support For twenty years after al-Muhtadī, there was a fairly coherent caliphal religious policy in a semi-rationalist direction, yet it had little more lasting effect than al-Muhtadī's promotion of non-traditionalist Ḥanafī jurisprudence and rationalist theology Al-Muhtadī was formally succeeded by al-Muʿtamid (*r* 256-279/870-892), another son of al-Mutawakkil, but real power lay in the hands of his brother, Abū Aḥmad al-Muwaffaq (d 278/891) Thanks to his connections with al-Muwaffaq, Ismāʿīl b Isḥāq, the Mālikī, not only won immediate reappointment to the judgeship of the East Side of Baghdad in 256/870, but two years later took over the West Side and al-Sharqīya, over the objections of Ibn Abī al-Shawārib, the Hanafī chief *qāḍī*, and five years later took over the whole of Baghdad [129] He ruled as he pleased, in disregard of the chief *qāḍī*'s example in Samarra, and was sometimes referred to as chief *qāḍī*, himself [130]

So far as it can be reconstructed, Ismāʿīl's approach to theology and jurisprudence seems to have been semi-rationalist His teacher in Basra, Aḥmad b al-Muʿadhdhal (d *ca* 240/854-855), had reportedly introduced Mālikī jurisprudence to Iraq [131] The very enterprise of teaching jurisprudence apart from *hadīth* was scorned by contemporary traditionalists He discouraged Abū Dāwūd from seeking *hadīth*,[132] and appears in no encyclopedia of *rijāl* criticism, himself As for theology, Ibn al-Muʿadhdhal engaged in *kalām*, rationalistic theology, for which Aḥmad Ibn Hanbal disparaged him [133] He abstained from declaring whether the Qur'ān was increate [134] Altogether, then, Ibn al-Muʿadhdhal was no traditionalist

In a traditionalist direction, on the other hand, Ismāʿīl b Isḥāq himself compiled at least nine collections of *hadīth* [135] His juridical works are no longer extant, but he evidently supported his opinions with

---

129 Ṭalḥa b Muḥammad, *apud* al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 6, 287, 288

130 E g , by al-Khalīlī, *al-Irshād fī maʿrifat ʿulamāʾ al-ḥadīth*, abr al-Silafī, Aya Sofya (Istanbul) 2951, 101b; by al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 177

131 Ibn Hazm, *al-Iḥkām fī uṣūl al-aḥkām*, ed Aḥmad Muḥammad Shākir, 8 vols in 1 (Cairo: Maktabat al-Khānjī, 1345), vol 5, 98 On the form of his name, see Ibn Ḥajar, *Tabṣīr al-muntabih*, vol 4, 1299

132 Al-Dhahabī, *Siyar*, vol 11, 520

133 Al-Dhahabī, *Tārīkh al-islām*, vol 17 (A H 231-240), 52, 54; engagement in *kalām* noted by the Mālikī biographer Ibn Farḥūn, *al-Dībāj al-mudhahhab*, ed Muḥammad al-Aḥmadī Abū al-Nūr, 2 vols (Cairo: Dār al-Turāth, 1972, 1976), vol 1, 141

134 Al-Dhahabī, *Tārīkh al-islām*, vol 17, 54; *Siyar*, vol 11, 520

135 Fuad Sezgin, *Geschichte des arabischen Schrifttums*, 9 vols to date (Leiden: E J Brill, 1967-1984), vol 1, 475, 476; al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 180

hadīth, complete with chains of transmitters [136] Ibn Abī Hātim, the *rijāl* critic, had a high opinion of his reliability [137] Among Ismāʿīl's reported works is a *Kitāb al-Sunan*, for Ibn al-Nadīm usually a hallmark of traditionalism [138] For a time, he employed as secretary Ibn Surayj (d 306/917), the semi-rationalist who would virtually found the classical Shāfiʿī school of law [139]

Al-Muwaffaq's support for Ismāʿīl had the effect of establishing semi-rationalism, also a deliberate effort to uphold orthodoxy by judicial means Ismāʿīl opposed the more rationalist Ḥanafīya Abū Khāzim would complain that Ismāʿīl b Isḥāq had striven for forty years to kill the memory of Abū Hanīfa in Iraq [140] He exiled Dāwūd al-Ẓāhirī (d 270/884), rival semi-rationalist, for rejecting *qiyās* [141] It was he who presided over the trial of al-Nūrī and other Sufis in the Inquisition of Ghulām Khalīl [142] And it was students of Ismāʿīl's who directed the trials of al-Hallāj in 309/922, Ibn Shannabūdh in 323/935, and Ibn Miqsam shortly thereafter [143]

---

136 Kātib Çelebī, *K Kashf al-ḥunūn*, ed Şerefeddin Yaltkaya and Rifat Bilge, 2 vols (Istanbul: Maarif Matbaasí, 1941, 1943), 1279, *s v Faḍl al-ṣalāt ʿalā al-nabī*.

137 Ibn Abī Ḥātim, *Jarḥ*, vol 2, 158

138 However, it is noted by al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 179, not Ibn al-Nadīm, *Fihrist*, 200

139 Al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 178 On Ibn Surayj, see Wael B Hallaq, "Was al-Shafiʿi the Master Architect of Islamic Jurisprudence?" *International Journal of Middle East Studies*, xxv (1993), 598, 599, and Melchert, "Formation," ch 6

140 Al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 170 See also the list of books in Ibn al-Nadīm, *Fihrist*, 200, including polemics against Abū Hanīfa and Muḥammad al-Shaybānī (the latter work about 200 fascicles long)

141 Al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 179, possibly quoting Ṭalḥa b Muḥammad Dāwūd has often been identified as an extreme traditionalist, but apparently on the assumption that a literalist must be so The biographical record suggests otherwise: consider, for example, the account of Aḥmad's hostility in al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol 8, 373, 374, of Abū Hātim's in Ibn Abī Ḥātim, *Jarḥ*, vol 3, 410, 411

142 Al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 176 For the Sufi Inquisition of 264/877-878, see Carl Ernst, *Words of Ecstasy in Sufism*, SUNY Series in Islam (Albany: State Univ of New York Press, 1985), 97-101; also Abū Saʿīd Ibn al-Aʿrābī, *Ṭabaqāt al-nussāk, apud* al-Dhahabī, *Siyar*, vol 13, 284

143 See *Encyclopaedia of Islam*, new edn , s v "al-Ḥallādj" (L Massignon and L Gardet); s v "Ibn Shanabūdh" (R Paret); and Fuat Sezgin, *Geschichte*, vol 8, 158, vol 9, 149, 150 (s v Ibn Miqsam), all with references For the association with Ismāʿīl, see Bekir, *Histoire*, 102-07 The prosecution of Ibn Shannabūdh has been identified with the Hanābila, apparently on the assumption that concern for orthodoxy was necessarily Hanbalī; e g , Simha Sabari, *Mouvements populaires à Bagdad à l'époque ʿabbasside, IXᵉ-XIᵉ siècles*, Centre "Shiloah" des études du Moyen-Orient et de l'Afrique (Paris: Adrien Maisonneuve, 1981), 106 Collaboration between the Hanābila and Ibn Muqla is hard to believe, while I know of no evidence connecting Ibn Mujāhid (d 324/936), chief scholar behind the prosecution,

Lasting results were meagre Even though he was supreme in Baghdad for longer than al-Ma'mūn's Inquisition had remained in effect, Ismāʿīl b Isḥāq in fact brought about scant diminution of Hanafī strength Whereas the Hanafīya had come to a monopoly of juridical office under al-Muhtadī, the Mālikīya a virtual monopoly under al-Muʿtamid and al-Muwaffaq, neither Hanafīya nor Mālikīya prevailed under al-Muwaffaq's son, al-Muʿtaḍid (*r* 279-289/892-902), and his son, al-Muktafī (*r* 289-295/901-908) Representatives of the two schools sometimes spoke for contrary policies [144] Al-Muʿtaḍid was said to be friendly towards the Muʿtazila, as well [145]

Indeed, caliphal policy after the death of al-Muwaffaq was largely deadlocked, no party capable of imposing its line for long We see glimpses of debilitating struggles among patronage networks, for example, in the intriguing of the vizier, ʿUbayd Allāh b Sulaymān (d 288/901), against the family of Ismāʿīl b Isḥāq, and in the support of ʿUmar b al-Khaṭīb, tutor (*mu'addib*) to al-Muʿtaḍid, for the Mālikī al-Azdī [146] The stakes for individuals might be high The courtier Aḥmad b al-Ṭayyib al-Sarakhsī was put to death in 283/896-897 or 286/899, ostensibly for heresy [147] By one account, the real reason may have been his having advocated the cursing of Muʿāwiya, a project successfully opposed by the vizier, ʿUbayd Allāh, and al-Azdī, the Mālikī *qāḍī* [148] There are difficulties with the chronology [149] Sourdel suggests that the real reason was al-Sarakhsī's having presided over the Bureau of

---

with the Hanābila On the contrary, the evidence overwhelmingly places him in the belle-lettrist milieu of the court: see Louis Massignon, *The Passion of al-Hallāj*, trans Herbert Mason, Bollingen Ser xcviii, 4 vols (Princeton: Princeton Univ Press, 1982), vol 1, 430-32

144 For example, the Ḥanafīya Abū Khāzim and ʿAlī Ibn Abī al-Shawārib (d 283/896) endorsed the inheritance of maternal relatives (*dhawī al-arḥām*) and the abolition of the Bureau of Inheritances (*dīwān al-mawārīth*) against the Mālikī al-Azdī (d 297/910) Al-Azdī's dissent puzzles Sourdel, but it merely follows the new tendency in favor of the Ḥanafīya against the Mālikīya: Sourdel, *Vizirat*, 342, 343; "Politique religieuse," 16 On this classic point of contention between the Kufan and Medinese schools of law, see Noel J Coulson, *A History of Islamic Law*, Islamic Surveys 2 (Edinburgh: Edinburgh Univ Press, 1964), 48, 49

145 Ibn al-Murtaḍā, *Klassen*, 127

146 Abū Muḥammad al-Farghānī, *apud* al-Qāḍī ʿIyāḍ, *Tartīb al-madārik*, vol 3, 167

147 Al-Dhahabī, *Siyar*, vol 13, 449

148 ʿAbd Allāh b Aḥmad Ibn Abī Ṭāhir, *Akhbār al-Muʿtaḍid*, *apud* Ibn Ḥajar, *Lisān*, vol 1, 190; al-Ṭabarī, *Annales*, vol 3, 2164-78 = *Tārīkh*, vol 10, 54-63

149 Al-Ṭabarī reports the proposal to curse Muʿāwiya *sub anno* 284, when by other reports al-Sarakhsī was in prison or already dead See Franz Rosenthal, *Aḥmad B aṭ-Ṭayyib as-Saraḫsī*, Am Oriental Ser 26, ser eds Zellig Harris, et al (New Haven: Am Oriental Society, 1943), 25, 37

Inheritances, which al-Muʿtaḍid abolished in 283/896[150] On either reckoning, life and death evidently hung on one's being identified with particular religious policies, so much the more bitter, therefore, must factional warfare have been This perception of deadlock complements Sourdel's conclusion that al-Muʿtaḍid aimed to appease all parties[151]

Some generalizations emerge from this survey First, it was a minority of third/ninth-century caliphs who strongly favored one juridical-theological party over others The three caliphs who prosecuted the Inquisition certainly did, likewise al-Muhtadī and al-Muʿtamid (through al-Muwaffaq) after him, but hardly the other six who were caliph in this century For the most part, the third/ninth-century caliphs, like most Muslim rulers before and after, were content to follow religious trends, not to set them Second, some of the caliphs who pursued a consistent policy notably failed to attract effective political support, and none successfully imposed one juridical-theological tendency on the Muslim community in the long term The very difficulty of imposing any one theology probably deterred most rulers from sponsoring any However, it is possible that the triumph of semi-rationalist jurisprudence in the fourth/tenth century owed something to al-Muwaffaq's sponsorship in the third/ninth[152] Third, Hugh Kennedy refers to "the disastrous reign of al-Muqtadir,"[153] but the disaster was no more than the playing out of tendencies already well established in the reigns of al-Muʿtaḍid and al-Muktafī

---

150 Sourdel, *Vizirat,* 343

151 Sourdel, "Politique religieuse," 18-20 Such is also the interpretation of Henri Laoust, *La profession de foi d'Ibn Batta* (Damascus: Institut Français de Damas, 1958), xix and fn

152 Al-Muwaffaq may also have contributed to the professionalization of the judgeship Early in the century, chief *qāḍīs* were mainly political advisers I cannot show that Ibn Abī Duwād or Jaʿfar b ʿAbd al-Wāḥid ever heard a case with witnesses, oaths, etc Ismāʿīl b Isḥāq, by contrast, was an active jurist, and so were most of his successors I thank Tayeb El-Hibri for raising the question

153 See Hugh Kennedy, *The Prophet and the Age of the Caliphates,* A History of the Near East, ser ed P M Holt (New York: Longman, 1986), 187-199